

MAY 04 2004

OFFICIAL

PATENT
Attorney Docket No. 0320-0020 (HOOV 120)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/015,476

Filed: December 13, 2001

Group Art No.: 3739

Examiner: Rosiland S. Rollins

For: TRANSMURAL ABLATION DEVICE

CERTIFICATE OF MAILING BY "FACSIMILE"

Date of Deposit May 4, 2004

I hereby certify that this paper is being sent by facsimile to the United States Patent and Trademark Office to fax number (703) 872-9306 on the date indicated above.

NAME Renee C. Barthel

SIGNATURE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450SUPPLEMENTAL RESPONSE TO OFFICE ACTION OF FEBRUARY 20, 2004

This Response supplements the "Amendment Accompanying a Request for a Continued Examination" which was filed by Express Mail on April 30, 2004, and provides the following comments, which were also made of record in related U.S. Patent Application Serial No. 10/327,831, filed December 23, 2002.

In view of the Federal Circuit's recent decision in Dayco Products, Inc. v. Total Containment, Inc., 66 U.S.Q.P.2d 1801 (Fed. Cir. 2003), and out of an abundance of caution, Applicant wants to specifically point out to the Examiner the prior art

application is in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,

Date:

May 4, 2004

By:

Gary W. McFarron

Gary W. McFarron, Esq.
Registration No. 27,357
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams St., Suite 2850
Chicago, IL 60606
Telephone: (312) 236-8500

Attorneys for Applicant



61

05-05-04

RCE
\$
3739

PTO/SB/30 (09-03)

Approved for use through 9/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/015,476
Filing Date	December 13, 2001
First Named Inventor	Michael D. Hooven
Art Unit	3739
Examiner Name	Rosiland S. Rollins
Attorney Docket Number	0320-0020

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. ☒ Deposit Account No. 50-1039
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other any insufficient fees
- b. ☒ Check in the amount of \$ 385.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	G. W. McFarren, Esq.	Registration No. (Attorney/Agent)	27,357
Signature	<i>G. W. McFarren</i>	Date	April 30, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	May, I. Casimiro	Date	April 30, 2004
Signature	<i>May I. Casimiro</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/04/2004 TLW11 00000016 10015476

01 FC:2801

385.00 00

RECEIVED
MAY 06 2004
TECHNOLOGY CENTER BATES